

~~Claim 64, line 4, cancel "the" and substitute --a--.~~

~~Claim 65, line 3, cancel "desired" and substitute  
--designed--.~~

~~Claim 90, line 4, cancel "the" and substitute --a--.~~

~~Claim 91, line 3, cancel "desired" and substitute  
--designed--.~~

~~Claim 91, line 4, cancel "the" and substitute --a--.~~

~~Claim 100, line 4, cancel "the" and substitute --a--.~~

~~Claim 101, line 3, cancel "desired" and substitute  
--designed--.~~

~~Claim 103, line 4, cancel "the" and substitute --a--.~~

~~Claim 106, line 3, cancel "desired" and substitute  
--designed--.~~

~~Claim 114, line 4, cancel "the" and substitute --a--.~~

~~Claim 115, line 3, cancel "desired" and substitute  
--designed--.~~

~~Claim 117, line 4, cancel "the" and substitute --a--.~~

~~Claim 120, line 3, cancel "desired" and substitute  
--designed--.~~

IN THE ABSTRACT OF THE DISCLOSURE:

~~Cancel the Abstract of the Disclosure and substitute the  
following therefor:~~

~~--An ink-supply system for a dot matrix printer including  
an ink-supply tank formed with an ink supply delivery port having  
an opening for passage of ink from the ink-supply tank. An ink  
absorbing member formed of a porous material is mounted within the  
ink-supply tank and compressed relative to at least another region  
of the ink absorbing member at least in the region thereof facing  
the opening of the ink supply delivery port.--~~

IN THE DESIGNATION OF FOREIGN PRIORITY APPLICATIONS:

Please change the designation of foreign priority applications to delete reference to Japanese application No. 58-191529 filed October 13, 1983 and 58-224892 filed November 29, 1983, leaving a claim to priority under 35 U.S.C. §119 of three Japanese applications all filed May 22, 1984, Nos. 59-102841, 59-102842 and 59-102843. The certified priority documents were filed in parent application Serial No. 06/659,816.

DISCUSSION

This Amendment under Rule 116 is submitted in response to the Office Action mailed November 18, 1991, a Petition seeking the requisite extension of time being filed herewith. In said Office Action, the Examiner finally rejected the claims presented even though this was a first Office Action. Care has been exercised in preparing this Amendment not to raise new issues requiring additional search, so that entry of this Amendment under Rule 116 in order to place this case in condition for allowance, or in the alternative, in better condition for appeal, is appropriate. However, it is respectfully submitted that the final rejection is premature and withdrawal of the finality of the rejection is respectfully requested.

Annexed hereto is a Supplemental Declaration executed by applicants. Applicants have carefully reviewed the foreign applications of which priority was claimed under Section 119 in the parent applications and have concluded that priority of the claims of this application is properly claimed only with regard to three of said applications, namely Japanese Application Serial Nos. 59-102841, 59-102842 and 59-102843, all filed on May 22, 1984. Correction of the filing receipt, if necessary, the face of the file wrapper as provided in MPEP §202.03, and at other appropriate locations to delete reference to Japanese Application Serial Nos.

58-191529 filed October 13, 1983 and 58-224892 filed November 29, 1983 is respectfully requested.

In the Office Action, the Examiner objected to the title as not being descriptive. A new title is proposed. Applicants have no objection to a further specificity in the title such as adding "Having a Compressed Ink Absorbing Member in an Ink Tank", but did not make that change because of the belief that such a title would be too long.

The Examiner objected to the Abstract and a substitute Abstract is furnished herewith.

In the Office Action, the Examiner objected to an amendment to page 6, line 16, filed November 9, 1990 under Section 132 as introducing new matter. By this amendment, the prior amendment is cancelled and new language is substituted. The new language substitutes "X" for "Y" as suggested by the Examiner, deletes "small" in the description of the angle, and recites that "adjacent wired positions" are "partially out of registration with each other in a direction normal to the direction of printer head displacement (scanning)" in response to the objection to the specification and rejection of claims 20, 25 and 26 under Section 112 in an Office Action in parent application 07/612,010 (Our Docket No. P-9050-930-B).

It is respectfully submitted that these amendments eliminate the Section 132 rejection. Entry of this rewritten amendment to the specification is respectfully requested.

The Examiner rejected claims 27, 30, 40-45, 50, 53, 64, 67, 77, 80, 90-95, 100, 103, 114 and 117 under Section 112 as being indefinite, by reason of the lack of antecedent basis for "the compressive force". Claims 27, 30, 40 (from which claims 41-45 depend, directly or indirectly), 43, 50, 53, 64, 67, 77, 80, 90 (from which claims 91-95 depend, directly or indirectly), 100, 103,

114 and 117 have all been amended to revise the phrase at issue to read "a compressive force", thereby eliminating the antecedent basis rejection. If for any reason, the Examiner finds this amendment to be insufficient, applicants are prepared to make such other amendments as are necessary to overcome this rejection.

THE SHIURILA '519 REJECTION

The Examiner rejects claims 25-36, 38-47, 62-73, 75-86, 88-97, 112-123, 125-129 and 131 under 35 U.S.C. §102(b) as being anticipated by Shiurila (U.S. '519). By this Amendment, independent claims 25, 39, 48, 62, 70, 75, 89, 98, 112, 125 and 132, from which all of the claims remaining in the case depend, have been amended to clarify the intention thereof, although applicants disagree with the rejection of the Examiner for the reasons set forth at length below, and have only made the amendments in question in order to advance the prosecution of this application to prompt issuance.

Specifically, all of the independent claims have been amended to recite that the ink-supply delivery port (or the means projecting into said ink-supply tank ("ink receiving and transmitting means")) has or is formed with an opening through which the ink from the ink-supply tank passes. The claims further now recite that the ink absorbing member is formed of a porous material mounted within the ink-supply tank, at least the region facing said opening of said ink-supply delivery port (or ink receiving and transmitting means) being compressed relative to at least another region of the ink absorbing member. By use of "the" region, applicants refer to the entire region directly facing the opening, and not merely a portion thereof. This language does not cover compression of an ink absorbing member in, as opposed to facing the opening.

In rejecting the above-enumerated claims under Section 102(b) over Shiurila '519, the Examiner cites line 34 of column 6, wherein Shiurila teaches that the wick is preferably formed of a "bonded compressed cellulose acetate material which is a substantially semi-rigid element". In this line "compression" refers to the compression of the entire wick for the formation thereof and not to the special compression of one region relative to another as now claimed.

The Examiner also cites lines 58-62 of column 6 of Shiurila '519, which refers to the fact that the wick when inserted dry has a "slip fit" within projections 42a and 42b, the narrow neck portion of the container and collar 43 which serve to hold the wick in position. Shiurila goes on to state that "container wick 44 becomes saturated with the printing ink and experiences some expansion, thereby further improving the tightness of the fit of container wick 44 within the container assembly 40." (Emphasis added). There is no reference in Shiurila '519 of the wick being "tightly wedged" in the container as recited by the Examiner. The Examiner, at a personal interview had with the undersigned on December 5, 1991, made it clear that he deems it inevitable that there would be some compression at the projections, neck portion and collar of the container of Shiurila. It is respectfully submitted that this is merely surmise on the part of the Examiner, Shiurila containing no teaching of compression. Because something expands from a slip fit where it can be readily inserted to a tighter fit does not necessarily mean that there is compression, even at the surface, especially where the wick is defined as a "semi-rigid" structure. It is submitted that this incidental compression, if any exists at all, hardly constitutes an anticipation or a rendering obvious of the structure of applicants' claim. Shiurila clearly does not rely on the "compression"

perceived by the Examiner but not taught in the reference to facilitate a flow. Rather, Shiurila relies on varying cross-sectional areas of his wicks to achieve this result, the wicks having smaller cross-sections as they approach the print wires. (See Column 11, lines 30-53).

In the course of the personal interview of December 5, the Examiner also cited Shiurila (U.S. '654) as teaching "compression". It is submitted that here, once again, the Examiner is mistaken. In this construction, a wick member 86 extends from the wires W1, WN to a bottom region 84h which projects into the tank and is abutted by resilient leaf spring portion 84a. The downwardly projecting portion 86h of the first wick (referred to as a "capillary member" in Shiurila) engages a second wick (capillary member 27) received within a slot 22g in the wall of the ink tank. Both capillary members are formed with tapered portions in the region where they engage. These tapered portions permit a variation in ink flow by changing the surface area of contact between the two capillary members by raising or lowering the ink tank, and therefore the relative positions of the two touching capillary members. Shiurila teaches that the left-hand major surface of the bottom portion of 86h of capillary member 86 makes "surface contact" with the right-hand major surface of the upper portion 27b of ink supply capillary member 27. Column 9, lines 25-31. Since the structure permits the separation of the two capillary members and their re-engagement as the ink tank is lowered and then raised (see Column 9, lines 19-25), it is clear that while spring 84 urges portion 86h of capillary member 86 towards capillary member 27, the surface contact is just that, surface contact. Compression at the surface is impossible since such compression during engagement would mean that the portion 86h of capillary member 86 could not reenter into position side-by-side

with capillary member 27, once capillary member 27 and the tank were lowered so that the two capillary members were not in contact with each other. This is because the ends of the two capillary members would interfere with each other to prevent entry into side-by-side relation. Such entry is only possible in the arrangement taught by Shiurila if there is a true surface contact.

It is respectfully submitted that none of the Shiurila references teach or even suggest any compression.

Nonetheless, without prejudice to the possible filing of additional claims not so restricted, in order to advance the prosecution of the application, as noted above, applicants have recited in each of the independent claims as amended, that the region of the ink absorbing member facing the opening of the ink supply port (or ink receiving and transmitting means) is compressed relative to other regions of the ink absorbing member. Even if Shiurila '519 could be read to teach or suggest some compression at the places cited by the Examiner (although in fact it does not), that teaching would not satisfy the limitation of the independent claims as now presented since "the region" facing the ink supply port is not compressed. At best, if the Examiner's position is accepted, there may be some compression at the periphery but not at the center of the region of the wick 44 facing the ink supply port 41e-1.

With regard to claim 27 and other claims, which recite that the wall of the ink-supply tank facing the ink-supply delivery port is a cover means bearing on said ink absorbing member when assembled to said ink-supply tank to at least in part apply a compressive force to effect compression of said ink absorbing member, the Examiner cites line 38 of column 6 of Shiurila '519, stating that the wall opposite port 41e-1 engages the wick. What in fact Shiurila states at column 6, line 38 is that "The container

wick 44 is of a length sufficient to extend to floor 41a and is pushed in completely so its lower end 44a is embraced between projections 42a and 42b." This insertion is through port 41e-1 and collar 43. Nothing in this passage or in FIGS. 3C or 3D suggests any compressive force applied by the bottom wall of tank 40 (which the Examiner improperly treats as a cover), no less a compressive force to effect compression of the region of the ink absorbing member facing the ink-supply delivery port. In fact, the two figures suggest that the wick in use barely touches, if it at all touches the bottom wall of the tank. Certainly there is none of the requisite "teaching" which would be required for a finding of anticipation or obviousness. Under the circumstances, it is submitted that claims such as claim 27, 30, 40 (from which claims 41-45 depend, either directly or indirectly), 50, 53, 64, 67, 77, 80, 93, 103, 117, 126 and 133, all affirmatively recite that the compression is by a cover means or cover, a teaching found nowhere in Shiurila '519 and not suggested by anything in that reference.

With regard to claims 28-34 and 38, for example, which recited that the absorbing member carries substantially all of the ink in said ink-supply tank when said ink-supply tank is filled to the desired capacity of the tank, the Examiner states that "at some point when the tank is nearly empty the wick will carry substantially of the ink", and that "this may be the capacity desired by the user". The latter observation is pure speculation on the part of the Examiner and defies logic and common sense in product design. Nonetheless, in the interest of advancing the prosecution of this case, applicants have amended claims 28, 33, 41, 51, 56, 65, 78, 83, 91, 101, 106 and 115 to substitute "designed" for "desired". Shiurila clearly teaches that the tank is intended to be filled with the wick containing only a portion of the ink except when the ink is nearly used up. There is no

suggestion or teaching of the combination claimed in the above-enumerated claims and it is submitted that these claims are allowable over the Shiurila references. Applicants have amended method claims 128 and 135 to recite that the ink absorbing member carries substantially all of the ink that the ink-supply tank "was designed to hold", rendering these claims allowable over the reference.

Finally in this connection, applicants have rewritten claim 70 into independent form to incorporate the limitations of claim 62 as that claim was amended and to rewrite the limitation about the ink absorbing member to recite that the member substantially fills said ink-supply tank. This is consistent with language suggested by the Examiner as precluding the interpretation attributed by the Examiner to Shiurila in connection with claims 28-34 and 38. It is respectfully submitted that new independent claim 70, as well as claim 71 which depends therefrom, is clearly allowable over the references of record.

In the last observation in connection with the rejection of claims 25-36 et al under Shiurila '519 on page 3 of the Office Action, the Examiner states that "both Shiurila and Applicant teach atmospheric pressure", referring to claims 35 and 36. It is respectfully submitted, as pointed out in the interview of December 5, 1991, that applicant does not teach and claim atmospheric pressure, but rather, teaches and claims a pressure sufficiently low to substantially eliminate air bubbles in the ink absorbing member, a pressure below atmospheric. (Specification, page 8, lines 15-19; page 13, lines 25-27).

It is noted that in a sister application Serial No. 07/620,483 (Our Docket No. P-9050-930-H) the Examiner cited a new reference, Antonides et al, U.S. Patent No. 3,626,470, in connection with claims reciting that the ink is impregnated in the

ink absorbing member under a pressure sufficiently low to substantially eliminate air bubbles in the ink absorbing member. Applicants firmly believe that this is an immaterial and improper reference. Antonides et al is directed to a medical device for use in collecting specimens for the performance of Pap smear tests on women. The Examiner cited specifically to the discussion at the top of column 4. There Antonides et al teaches that a foam pledget 22 (in the nature of a sponge) is submerged in an aqueous solution while a vacuum is drawn in the area above the solution. The vacuum causes air entrapped within the cells of the foam to be expanded and to migrate to the exterior of the foam, so that a desired amount of solution is absorbed into the foam. The foam is then freeze-dried to leave the desired amount of enzyme solute as a solid residue dispersed throughout the foam. Antonides et al is directed to a medical device not intended for the dispensing of a fluid and totally unrelated to a printer. Antonides et al is related neither to applicants' invention nor to any of the Shiurila patents. There is no suggestion or teaching in either Shiurila or Antonides et al which would lead to the combining of the two references.

Applicants' finished product as claimed differs materially from that of Antonides et al in that applicants' finished product is an ink-impregnated ink absorbing member while Antonides et al's finished product is a medical device having a dry sponge (free of liquid) with a solid solute deposited on the pore surfaces and the exterior surfaces of the sponge. Antonides et al and applicants seek to solve entirely different and unrelated problems. Antonides is seeking to maximize the amount of solute retained on his pleget. Applicants are trying to avoid air bubbles in the sponge which, when the sponge is exposed to heat, may expand

and force ink out of a vent hole (see FIG. 10 and page 13, line 23-page 14, line 7).

An added problem faced by applicants but not Antonides et al is the possibility that air bubbles could migrate to the ink-supply port causing a discontinuity in flow. At least two prior art references already made of record by applicants teach ink-supply tanks having ink absorbing material therein, namely Miller, U.S. Patent No. 3,441,950 and Amberntsson et al, U.S. Patent No. 4,095,237. Both of these patents teach that a problem with ink tank systems is the possibility of air bubbles interrupting ink flow and teach the use of the sponges themselves to break up air bubbles. Applicants teach a novel method for substantially eliminating air bubbles during the loading of the ink absorbing member, a substantial advantage over Miller and Amberntsson et al and a method clearly unobvious and unused by prior artisans working in connection with ink-supply tanks. One of the two references, Amberntsson et al postdates Antonides et al, further suggesting that the latter reference is an improper reference.

For Antonides et al to be deemed pertinent prior art, it must be deemed "analogous art". The CAFC has stated the test as follows:

If the reference is not within the field of the inventor's endeavor, one looks at whether the field of the reference is reasonably pertinent to the problem the inventor is trying to solve.

Shatterproof Glass Corp. v. Libbey-Owens Ford Co., 758 F.2d 613, 620, 225 USPQ 634, 638 (Fed. Cir. 1985), cert. dismissed, 474 U.S. 976 (1985). In King Instrument Corp. v. Otari Corp., 767 F.2d 853, 858, 226 USPQ 402, 405 (Fed. Cir. 1985), cert. denied, 475 U.S. 1016 (1986), as to a patent for loading magnetic tape into closed cassettes, the court found that a prior patent on slicing photographic textural film in the printing industry "was not within

the field of this inventor's endeavor, and was not directly pertinent to the particular problem with which the inventor was involved." Certainly a medical instrument and the forming of a solute on the surface of a pleget is not within applicants' field of endeavor, nor is it within a field reasonably pertinent to the problem the inventors are trying to solve.

For all of the foregoing reasons, even were the Examiner to consider Antonides et al, that reference would not bar the patentability of claims 35, 36, 46, 47, 58, 59, 72, 73, 85, 86, 96, 97, 108, 109, 122, 123, 129 and 136.

CLAIMS 37, 74, 87, 124, 130 AND 137

Dependent claims 37, 74, 87, 124, 130 and 137 recite that the ink absorbing member comprises at least two separate porous members disposed as stacked layers, one of said porous members which is closer to the ink-supply delivery port being made of a porous material having a smaller average pore size than the porous material of the other porous member more remote from said ink-supply delivery port. The Examiner rejects these claims under Section 103 over Shiurila (U.S. '519) in view of Wada (U.S. '767).

Shiurila, et al. (U.S. '519) is cited as teaching the combination of the claims from which the rejected claims depend. The reliance on that patent is incorrect for the reasons stated above. The Examiner relies on Wada as teaching an ink storage body composed of two layers having varying porosity "to assist in the transfer of ink" to "improve the transfer of ink." The Examiner also states that "the mere provision of making a device separable has long been considered obvious", citing In re Dulberg.

It is respectfully submitted that the Examiner's reliance on Wada is misplaced. Wada teaches an ink roll the surface layer of which is specifically designed to limit ink flow and to provide a smooth ink transfer surface. Thus, claim 1 of Wada narrowly

recites a specific structure formed of heat compressed thermoplastic resin powder having specific particle sizes. The outer layer is recited as having an "inking surface" with variations of less than 20 microns, which leads to a smooth ink transfer surface. The second whereby clause in the claim recites that "whereby the magnitude of ink flow current to the inking surface is limited by the transfer layer and not by the ink storage layer ..." (emphasis added). Applicants' invention as claimed is not directed to an inking surface, nor is it directed to limiting ink flow. Rather, the claims are directed to an ink absorbing structure which facilitates rather than limits complete ink flow out of a tank.

The background of the invention points to the principal problem faced by Wada, variations in the shade of ink delivered by the ink roll due to non-uniform ink transfer and the adverse effect of hardened layers on the surface of an ink roll. The configuration of the surface layer, and in particular, the minimizing of the depth of ruggedness to less than 20 microns, is repeatedly discussed as a key element of Wada's teachings to prevent retention of excess ink on the surface to avoid the problem of blurring of contour shade. (See column 5, lines 41-50; column 6, line 57; column 7, line 10; column 7, lines 41-48). Thus, Wada merely teaches a device suitable for forming a direct ink transfer device or ink roll having an inner ink storage layer of larger porosity than the surface layer. However, the purpose of Wada's surface layer is not to provide and facilitate ink transfer to an ink supply port of an ink tank, as claimed, but rather to provide ink to an inking surface, ink which must have a finely controlled flow to prevent over-inking and insufficient inking, a controlled flow achieved by the construction of the surface layer of particles of smaller size. Liquid ink dot matrix printers normally do not

control ink flow by means of the design of the supply tank, except to prevent formation or transfer of bubbles. Rather, such control is conventionally achieved by design of the path from the tank to the ink application means.

It is respectfully submitted that one skilled in the printing art having Wada before him would have no teaching or suggestion for applying the Wada structure to an ink absorbing member within an ink tank for a dot matrix printer, such as the wire dot printer illustrated in the application. Applicants' ink absorbing member construction as claimed is calculated to ensure that most if not all of the ink in the ink absorbing member is delivered to the ink delivery port. The surface characteristics which constitute Wada's principal concern are irrelevant to applicants' device as claimed. Accordingly, it is respectfully submitted that the application of Wada to the Shiurila construction is a combination suggested not by the references but by applicants' teaching, and is therefore an improper hindsight combination.

As the Federal Circuit has stated: "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching, suggestion or incentive supporting the combination" In re Bond, 910 F.2d 831, 834, 115 USPQ2d 1566, 1568 (Fed. Cir. 1990). The Federal Circuit has expressly condemned the "hindsight reconstruction of the claimed invention" which characterizes the Examiner's combination of references. "[T]eachings of references can be combined only if there is some suggestion or incentive to do so." In re Fine, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1599 (Fed. Cir. 1988). Neither Shiurila nor Wada provide the requisite suggestion or incentive for the combination.

It is also respectfully submitted that the Examiner's reliance on In re Dulberg, 129 U.S.P.Q. 348 (CCPA 1961), to support

the rejection of claim 36 is likewise misplaced. That case does not stand for the proposition that making a device separable has long been considered obvious. That case was directed to a patent for a lipstick holder, where the prior art taught a press fit cap while applicant taught a manually removable cap. This pre-Federal Circuit case states that one skilled in the art would know to make a cap removable if it was desirable to have access but goes on to find that, in fact, the prior art does teach a removable cap. However, nothing in Dulberg suggests that making an ink absorbing member out of two separate parts of different porosities is in some way inherent from Wada's teaching of an ink roller formed of two integral sections of different porosities. In fact Wada teaches away from separate members, repeatedly emphasizing that the pores of the storage portion 11 and surface layer 12 are continuous. See e.g. Column 5, lines 33-36 and claim 1 ("whereby said pores in both said ink transfer and ink storage layers are continuous and communicative with each other").

In view of all of the foregoing, it is respectfully submitted that claims 37, 74, 87, 124, 130 and 137 are allowable over the references of record.

CLAIMS 48-61 AND 98-111

The Examiner rejects claims 48-61 and 98-111 under Section 103 over Shiurila '519 in view of Shiurila '654 and Shiurila '102. The Examiner cites the secondary references as teaching a receiving and transmitting means projecting into a tank. It is respectfully submitted that the claims as amended overcome the base reference, Shiurila '519, and therefore overcome this rejection for the reasons stated at length above. Nothing in the secondary references satisfies the gap in the primary reference. There is no teaching of compression between the capillary member (wick) in the ink tank and the capillary member projecting into the

ink tank and carrying the ink to the ink wires. The surface contact between the two capillary members cannot constitute compression since when the two are totally separated when the tank is lowered to its lowest position, they could not be pushed back into surface contact because there would be interference at the leading edges thereof. (See discussion at pages 12-13 above). Certainly there is no teaching in any of the Shiurila references of compression in the region facing an opening in an ink receiving and transferring means projecting into an ink tank. Accordingly, it is deemed that claims 48-61 and claims 98-111 are allowable over the references of record.

SECTION 101 REJECTION OF CLAIMS 58 AND 108

The Examiner rejects claims 58 and 108 provisionally under Section 101 as claiming the same invention as that of claims 43 and 62 of copending application Serial No. 07/620,483 (Our Docket No. P-9050-930-H). This rejection is overcome in two ways. First, the claims from which 58 and 108 depend have been amended so that the claims in this application are no longer the same as claims 43 and 62 of the copending -H application. Further, since claims 43 and 62 of the -H application will not be amended to recite the facing limitation but the claims from which they depend will be amended in a manner not reflected in claims 58 and 108 of this application, it is deemed that claims 58 and 108 of this application are patentably distinct from claims 43 and 62 of the -H application. Were the Examiner to consider an obvious-type double patenting rejection, applicants are prepared to submit provisional reciprocal Terminal Disclaimers between this application and the -H application if such are required to obtain allowance, although it is respectfully submitted that such terminal disclaimers should not be required. As noted below, a Terminal Disclaimer with regard to the -H application and instructions to charge the required fee to

the undersigned attorney's deposit account are annexed hereto. If the Examiner deems this Terminal Disclaimer to be unnecessary, he is respectfully requested to cancel same.

OBVIOUS-TYPE DOUBLE PATENTING REJECTIONS

The Examiner has interposed a series of obviousness-type double patenting rejections between this application and application Serial Nos. 07/612,010; 07/620,407; 07/620,408; 07/620,406 and 07/620,483 (Our Docket Nos. P-9050-930-B, P-9050-930-D, P-9050-930-E, P-9050-930-F and P-9050-930-H, respectively). Applicants respectfully submit that the respective claims are patentably distinct because of the amendments made thereto in this case or in the cited cases, but if the Examiner persists in this rejection, applicant is prepared to submit provisional reciprocal Terminal Disclaimers in regard to these applications as well as sister application Serial No. 07/624,228 (Our Docket P-9050-930-G). Annexed hereto are provisional Terminal Disclaimers of this application for the term of each of the -B, -C, -D, -E, -F and -G applications together with instructions to charge the required fee to the undersigned attorney's deposit account.

The Examiner interposed an obviousness-type double patenting rejection over claims 1-8 of patent No. 4,969,759 in view of Shiurila '519, Wada and the above-mentioned obviousness of making parts separate. It is respectfully submitted that this rejection is improper because Wada is an insufficient reference and the obviousness of making parts separate is unsupported by the authority relied upon by the Examiner, all for the reasons set out at length above. Withdrawal of this rejection is respectfully requested. In the event that the Examiner persists in this rejection, applicants have similarly annexed a Terminal Disclaimer with regard to the '759 patent, together with the required fee authorization so as to advance this case to an early issue.

If the Examiner determines that any or all of the submitted Terminal Disclaimers are unnecessary, he is respectfully requested to cancel the unnecessary Terminal Disclaimers.

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The newly cited references made of record but not relied upon are deemed no more pertinent than the references applied by the Examiner and require no further comment.

The consideration of the Examiner at the personal interviews held on July 9 and December 5 at which the issues presented by this application and the prior art relied upon by the Examiner were discussed at length. Applicants' counsel respectfully request an opportunity to conduct one further personal interview with a view toward narrowing any issues so that this case can be placed in condition for allowance.

In view of all the foregoing, it is respectfully submitted that claims 25-138, as amended, all of the claims in this case, are allowable over the references of record when taken separately or in combination, and entry of this Amendment and passage of this case to issue is respectfully requested.

By an accompanying Fee Letter, the Examiner is authorized to charge the undersigned attorney's Deposit Account No. 02-2845, the fee required for the additional independent claim as well as any other fee deficiencies that may arise.

If, after consideration of this Amendment, any issues remain outstanding, the Examiner is respectfully requested to contact the undersigned attorney at the number given below, giving the receptionist who answers our Docket Number P-9050-930-C.

Respectfully submitted,



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